



April 10, 2018

Hon. Magistrate Judge Therese Wiley Dancks
United States District Court for the Northern District of New York
James Hanley Federal Building
100 South Clinton Street
Syracuse, NY 13261
By E-Filing

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Re: COR Development Company LLC v. Howe, No. 5:16-cv-1099

Dear Magistrate Judge Dancks,

We are writing as counsel for defendant Todd R. Howe in this case in response to your order filed March 27, 2018, denying the plaintiff's motion to compel and setting a new discovery schedule. We respectfully request a stay of further proceedings in this civil case at least until the full conclusion of the related criminal trial proceedings in the Southern District of New York.

We presume that your order resetting discovery was prompted by the conclusion in March of the trial pending in the Southern District of New York in *United States v. Percoco*, Case No. 16-cr-776.

Although the initial indictment in the *Percoco* case included all defendants, the court severed the charges for two trials. Executives of the plaintiff are also defendants in the second trial. Mr. Howe remains a cooperating witness for the government. The second trial is currently scheduled to begin on June 11, 2018, and may last as long as the first trial – seven weeks.

Accordingly, we respectfully request that you enter a stay of proceedings in this case until after the conclusion of the second trial of *United States v. Percoco*, which may be styled for trial as *United States v. Kaloyeros*.

We have consulted with counsel for the plaintiff and they have advised that the plaintiff consents to this requested stay.

Respectfully submitted,

/s/ Ellen M. Murphy

Ellen M. Murphy

cc: All counsel of Record (via ECF)